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FISCAL IMPACT REPORT

ORIGINAL DATE 2/28/2007

SPONSOR Sharer LAST UPDATED _____ HB _____

SHORT TITLE School Delinquency Petition Notification SB SJM 32

ANALYST Schuss

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		Unknown	Unknown	Unknown	Non- Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

Senate Joint Memorial 32 requests that the Children, Youth and Families Department and the Public Education Department, in consultation with the Attorney General and other entities, to study and make recommendations regarding the notification of public and private schools when a student is the subject of a delinquency petition

FISCAL IMPLICATIONS

There will be an unknown impact to the general fund to conduct this study.

SIGNIFICANT ISSUES

Senate Joint Memorial 32 states that there have been instances in which a juvenile charged with a serious crime, as cited in a delinquency petition, has been enrolled in a public school without the knowledge of school personnel. In some cases these students may pose a threat to other students or to school personnel. If school personnel were informed of the circumstances they might be able to provide assistance to the accused student and ensure that another student or staff member does not become the victim of an assault or serious crime.

A policy that governs the release to a public or private school of information contained in or related to a delinquency petition necessitates a balance between preserving the civil rights of the accused and ensuring the safety of other students.

SJM 32 states that the Children, Youth and Families Department and the Public Education Department are drafting a memorandum of understanding regarding the notification of school personnel when adjudicated youth are attending public or private schools.

The Legislature of the State of New Mexico requests that the Children, Youth and Families Department and the Public Education Department, in consultation with the office of the Attorney General and with representatives of public school districts, charter schools, private schools, district attorneys, law enforcement agencies and other appropriate entities, study the issues surrounding the timely notification of public and private schools when a student is the subject of a delinquency petition and that the Children, Youth and Families Department and the Public Education Department report findings and recommendations of the study to the Legislative Education Study Committee no later than November 1, 2007.

CYFD has included the following information:

In light of the need for schools to be informed of potentially dangerous students, and the complex issues of confidentiality that are governed by existing statute, a coordinated study is required in order to develop appropriate recommendations and effective procedures.

Current statutes (NMSA 32A-2-32) require confidentiality of case files of children under the supervision of the department. Notification of a petition does not meet the standard to constitute reporting notification for the purposes of educational needs.

32A-2-32. Confidentiality; records

(13). *“school personnel involved with the child if the records concern the child’s educational needs as necessary for the child’s educational planning and shall include only that information necessary to provide for the child’s educational needs;”*

Current statutes outline that an individual who releases information relating to a child under supervision of the department is subject to prosecution; information release must be very specific to the need area for dissemination outside of the department.

“32A-2-32. Confidentiality; records

C. “Whoever intentionally and unlawfully releases any information or records closed to the public pursuant to this section or releases or makes other unlawful use of records in violation of this section is guilty of a petty misdemeanor”.

BS/nt